

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

)

**CASE NO. 8:02CR213**

)

**Plaintiff,**

)

**v.**

)

**ORDER**

)

**TERRY TYLER,**

)

)

**Defendant.**

)

)

This matter is before the court on the defendant's Motion to Withdraw his Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a person in Federal Custody (§ 2255 motion) (Filing No. 155). The motion is granted.

IT IS ORDERED:

1. The Defendant's § 2255 motion (Filing No. 151) is dismissed without prejudice; and
2. The Clerk of Court shall send a copy of this Order to the Defendant at his last known address.

DATED this 9<sup>th</sup> day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge